

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 18 - 23, 26 - 33, and 35 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 18 and 31 have been amended; claims 19, 23, 26, 27, 29, 30, 32, 34, and 35 have been cancelled without prejudice; and new claims 36 - 41 have been added to the application.

New claims 36 - 40 correspond to the characteristics cited in paragraph 0071 - 0074 and 0083, respectively. New claim 41 corresponds to previously cancelled claim 24.

In the office action mailed March 2, 2010, claims 18 - 23, 26 - 33, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,083,450 to Safian in view of U.S. Patent No. 4,816,093 to Robbins, III, U.S. Patent No. 5,407,629 to Schmidt et al., and further in view of U.S. Patent No. 6,106,762 to Agur et al.

The foregoing rejection is traversed by the instant response.

Claim 18 as amended herein is directed to a method of producing an air inlet in a multi-walled container of the type consisting of an outer rigid casing inside which is placed a flexible pocket intended to contain a product and in association with a withdrawal member without air inlet, such a container being obtained in a mold by blow-molding coextrusion of a parison formed of a main outer layer made of relatively rigid plastic intended to form the outer rigid casing and a secondary inner layer made of relatively flexible plastic intended to form the flexible pocket, said layers having no adhesion between them

so as to delaminate without difficulty, after the creation of a sprue in a portion of the parison during the blow-molding coextrusion operation, then removal of the sprue thus formed and finally the creation of an air inlet between the flexible layer and the rigid layer of the parison, the air inlet being obtained by making in the mold in at least one pinch zone of the parison a reservation intended to obtain a protrusion of said parison, the height of the protrusion being such as to allow at its end a first shearing operation at the sprue having the effect of fusing by crushing in this zone, two walls consisting of the outer layer with two walls consisting of the inner layer a second operation of cutting off the protrusion by means of a cutting tool, after opening of the mold and reworking of the container by rework templates, and a third operation, subsequent to or simultaneous with the second operation, consisting of initiating the delamination of the layers from one another by means of a mechanical means, wherein the initiation of the delamination is realized by exerting an axial force on the protrusion in a zone close to the latter.

U.S. Patent No. 6,083,450 to Safian describes a container having a variable inner volume. The container has an outer relatively rigid plastic layer 30 and an inner relatively thin inner layer 32. The container is made by coextruding a parison, closing the molds about the parison, and blow molding the parison. A blowpin assembly 52 is used to apply air to blow the layers and shape the flange 48 and sever the mold. In column 4, lines 1 - 4, Safian discloses forming the outer container of olefin plastic and the inner container of amorphous nylon. The inner layer delaminates from the outer layer without additional handling or using a secondary machine operation. As set forth in claim 18, the claimed method is directed to a method for

producing an air inlet in a multi-walled container. In the claimed method, the air inlet is created by an initial shearing operation of a protrusion which is formed during an extrusion blow molding operation; and a second step of cutting off the protrusion using a cutting tool. This is quite different from Safian which is directed to a method in which a protrusion is torn in the mold (see col. 6, lines 46 - 55). According to Safian, there is no problem in crushing the welding and bonding to avoid delamination. The problem addressed by and solved by Safian is not that of the claimed invention. There simply is no disclosure in Safian of performing the three operations set forth in amended claim 18.

None of Robbins, III, Schmidt et al. and Agur et al. cure the deficiencies of Safian because none of them teach or suggest the three operations set forth in amended claim 18.

For these reasons, claim 18 as amended herein is allowable.

Claims 20 - 22, 28, 31, 33, and 36 - 41 are allowable for the same reasons as claim 18, as well as on their own accord.

In Applicants' opinion, the closest prior art is U.S. Patent Publication No. 2001/032853 which discloses a method in which the air inlet is obtained after a first shearing operation of a sprue by which a protrusion is made, a second cutting off operation of the protrusion by means of a cutting tool, and a third operation during which delamination is initiated. As indicated in paragraph 9 of this publication, "a radial force, acting in the direction of the seam, is introduced into the base area in such a way that the base seam breaks up, wherein the temperature of the pre-molding is between 40°C and 70°C on cutting off the base seam and the outer container is still plastically deformable to some degree so that a permanent deformation results from the force which is not neutralized by

elastic restoration." As indicated in paragraph 11 and 12, the exertion of an axial force is optional in order to "break open the base seam," but "the permanent deformation of the base seam" (i.e. the delamination) is done by the radial force. Consequently, one of ordinary skill in the art would not do away with the radial force. For this reason, this publication does not teach or suggest the subject matter of amended claim 18.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

The instant amendment after final does not raise any new issue which requires further consideration and/or search. Further, the amendment does not raise any issue of new matter. For these reasons, the instant amendment after final should be entered.

No fee is believed to be due as a result of this response.

If the Director determines that a fee is required in connection with this case, it is respectfully requested that the fee be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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